

REMARKS

The Applicants respectfully request further examination and consideration in view of the arguments set forth fully below. Claims 1-43 were previously pending in this application. Within the Office Action, Claims 32-35 have been allowed, Claims 1-31, 36 and 38-42 have been rejected and Claims 37 and 43 have been objected to. By the above amendment, Claims 1, 10 and 36 have been amended, and Claim 37 has been canceled. Accordingly, Claims 1-36 and 38-43 are currently pending.

Rejections Under 35 U.S.C. § 102

Within the Office Action, Claims 1, 6, 9, 10 and 36 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,761,995 to Siebe (hereinafter "Siebe").

Siebe discloses a device for holding price tags on articles of merchandise. The price tag holder includes a frame adapted to removably support a price card. The price tag holder has a means to hold the frame and the price card on the article of merchandise. Siebe does not teach a securing structure comprising a plurality of protrusions configured to cooperatively engage with a plurality of apertures.

In contrast to the teachings of Siebe, the present invention is directed to a plastic storage bin comprising a container and a label holder. The label holder is configured to rotatably and detachably couple with the container. The label holder preferably comprises a clear rigid plastic designed to hold a 3" x 5" card that describes the contents of the container. Specifically, the preferred label holder is configured to rotatably and detachably couple with a label holder securing means by cooperatively engaging a plurality of protrusions with a plurality of apertures. The storage bin further comprises a lid configured to mate with the container so as to create a positive seal. As described above, Siebe does not teach a securing structure comprising a plurality of protrusions configured to cooperatively engage with a plurality of apertures.

The independent Claim 1 is directed to a storage bin. The storage bin of Claim 1 comprises a container including one or more apertures and a label holder configured to rotatably and detachably couple with the container, wherein the label holder comprises one or more protrusions configured to cooperatively engage with the one or more apertures. As described above, Siebe does not teach a container including one or more apertures and a label holder comprising one or more protrusions configured to cooperatively engage with one or more

apertures. For at least these reasons, the independent Claim 1 is allowable over the teachings of Siebe.

Claims 6 and 9 are both dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Siebe. Accordingly, Claims 6 and 9 are both also allowable as being dependent upon an allowable base claim.

The independent Claim 10 is directed to a storage bin. The storage bin of Claim 10 comprises a chamber configured for storing, a rotatably attachable label holder including one or more protrusions, and a label securing structure coupled to the chamber and configured to detachably couple the attachable label holder to the chamber, wherein the securing structure comprises one or more apertures configured to cooperatively receive the one or more protrusions. As described above, Siebe does not teach a rotatably attachable label holder including one or more protrusions and a label securing structure coupled to the chamber and comprising one or more apertures configured to cooperatively receive the one or more protrusions. For at least these reasons, the independent Claim 10 is allowable over the teachings of Siebe.

The independent Claim 36 is directed to a label holder configured to hold and allow insertion and removal of a label. It is specified in Claim 36 that the label holder comprises one or more securing structures configured to mate and rotatably and detachably secure the label holder with a container. It is further specified in Claim 36 that the one or more securing structures comprise a plurality of protrusions configured to cooperatively engage with a plurality of apertures. As described above, Siebe does not teach a label holder with securing structures comprised of a plurality of protrusions configured to cooperatively engage with a plurality of apertures. For at least these reasons, the independent Claim 36 is allowable over the teachings of Siebe.

Within the Office Action, Claims 17 and 18 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,908,985 to Hartman (hereinafter "Hartman"). The Applicants respectfully disagree with this rejection.

Hartman discloses a container having an integral card holding structure. The ends of the card to be attached to the container are provided with ears or projections having a shape to generally complement the opening formed in raised surfaces of the container. The card is placed in such a way that it is held firmly against the wall of the container. Hartman does not teach a label holder capable of being detachably secured to the storage bin. In Hartman, the card is capable of being removed, but the raised surfaces of the container configured to secure the card to the storage bin are not able to be detached from the container. Further, Hartman requires a

signal card comprised of ears or projections in order to attach the card to the container. This signal card is an integral part of the card holding structure; the signal card, with its ears or projections, attaches directly to the container.

In contrast to the teachings of Hartman, the present invention is directed to a plastic storage bin comprising a container and a label holder. The label holder is configured to rotatably and detachably couple with the container. The label holder preferably comprises a clear rigid plastic designed to hold a 3" x 5" card that describes the contents of the container. Specifically, the preferred label holder is configured to rotatably and detachably couple with a label holder securing means by cooperatively engaging a plurality of protrusions with a plurality of apertures. The storage bin further comprises a lid configured to mate with the container so as to create a positive seal. As described above, Hartman does not teach a label holder capable of being detachably secured to the storage bin. In Hartman, the card is capable of being removed, but the raised surfaces of the container configured to secure the card to the storage bin are not able to be detached from the container. However, in the present invention, the entire label holder is capable of being removed from the storage bin. Further, Hartman requires a signal card comprised of ears or projections in order to attach the card to the container. This signal card is an integral part of the card holding structure; the signal card, with its ears or projections, attaches directly to the container. The label holder of the present invention is a separate and distinct apparatus from the card and from the storage bin. The label holder is able to accept any type of card; a card with ears or projections is not necessary. Further, the label holder may be attached to the storage bin without a card inserted, whereas Hartman needs the card in order to form the attachment.

The independent Claim 17 is directed to a plastic storage bin. The plastic storage bin of Claim 17 comprises a hollow body and a label holder. The hollow body has a front end and a rear end, and the hollow body further comprises a first securing structure on the front end. The label holder comprises a second securing structure, wherein the first and second securing structures are configured to mate and detachably secure the label holder with the hollow body. As described above, Hartman does not teach a label holder capable of being detachably secured to the storage bin. Hartman teaches a card capable of being removed, but the raised surfaces of the container configured to secure the card to the storage bin are not able to be detached from the container. However, in the present invention, the entire label holder is capable of being removed from the storage bin. Further, Hartman requires a signal card comprised of ears or projections in order to attach the card to the container. This signal card is an integral part of the card holding structure; the signal card, with its ears or projections, attaches directly to the container. The label

holder of the present invention is a separate and distinct apparatus from the card and from the storage bin. The label holder is able to accept any type of card; a card with ears or projections is not necessary. Further, the label holder may be attached to the storage bin without a card inserted, whereas Hartman needs the card in order to form the attachment. For at least these reasons, the independent Claim 17 is allowable over the teachings of Hartman.

Claim 18 is dependent upon the independent Claim 17. As discussed above, the independent Claim 17 is allowable over the teachings of Hartman. Accordingly, Claim 18 is also allowable as being dependent upon an allowable base claim.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 7, 8, 14-16 and 38-42 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Siebe.

Claims 7 and 8 are both dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Siebe. Accordingly, Claims 7 and 8 are both also allowable as being dependent upon an allowable base claim.

Claims 14-16 are all dependent upon the independent Claim 10. As discussed above, the independent Claim 10 is allowable over the teachings of Siebe. Accordingly, Claims 14-16 are all also allowable as being dependent upon an allowable base claim.

Claims 38-42 are all dependent upon the independent Claim 36. As discussed above, the independent Claim 36 is allowable over the teachings of Siebe. Accordingly, Claims 38-42 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 2-5, 11, 13 and 20-31 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Siebe, in view of U.S. Patent No. 4,373,642 to Wolters et al. (hereinafter "Wolters").

As described above, Siebe discloses a device for holding price tags on articles of merchandise. The price tag holder includes a frame adapted to removably support a price card. The price tag holder has a means to hold the frame and the price card on the article of merchandise.

Wolters discloses a material handling tote adapted for multiple storage and handling techniques. The tote includes a bottom, side and end walls, and a substantially continuous multi-purpose flange at the upper edge of the side and end walls. The multi-purpose flange is constructed and arranged to releasably retain a lid, provide for stackability, include carrying grips and facilitate cantilevered hanging and retentive glide storage. Wolters does not disclose a

container with rotatably and detachably coupled label holders. Further, Wolters does not disclose a lid comprising a tab to facilitate the removal of the lid. The flange in Wolters cannot be considered a lid comprising a tab to facilitate in the removal of the lid as the flange is coupled to the container, not the lid. Moreover, the flange in no way affects the attachment or removal of the lid. As shown in Figures 6 and 7, the flange merely acts as a base for the lid to sit so that the lid does not fall into the tote. The flange in no way facilitates the removal of the lid from the container. Accordingly, neither Siebe, Wolters nor their combination teach a plastic storage container and a label holder configured to rotatably and detachably couple with the container and a lid comprised of a tab to facilitate in the removal of the lid.

In contrast to the teachings of Siebe, Wolters and their combination, the present invention is directed to a plastic storage bin comprising a container and a label holder. The label holder is configured to rotatably and detachably couple with the container. The label holder preferably comprises a clear rigid plastic designed to hold a 3" x 5" card that describes the contents of the container. Specifically, the preferred label holder is configured to rotatably and detachably couple with a label holder securing means by cooperatively engaging a plurality of protrusions with a plurality of apertures. The storage bin further comprises a lid configured to mate with the container so as to create a positive seal. The lid comprises a tab to facilitate in the removal of the lid. As described above, Siebe does not teach a storage bin with any of the features that comprise the present invention. The Siebe invention is solely a price tag holder; a container of any sort is not disclosed. In addition, Wolters does not teach a lid comprising a tab to facilitate in the removal of the lid. The flange in Wolters cannot be considered a lid comprising a tab to facilitate in the removal of the lid as the flange is coupled to the container, not the lid. Moreover, the flange in no way affects the attachment or removal of the lid. As shown in Figures 6 and 7, the flange merely acts as a base for the lid to sit so that the lid does not fall into the tote. The flange in no way facilitates the removal of the lid from the container. As described above, neither Siebe, Wolters nor their combination teach a plastic storage container and a label holder configured to rotatably and detachably couple with the container.

Claims 2-5 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Siebe. Accordingly, Claims 2-5 are all also allowable as being dependent upon an allowable base claim.

Claims 11 and 13 are both dependent upon the independent Claim 10. As discussed above, the independent Claim 10 is allowable over the teachings of Siebe. Accordingly, Claims 11 and 13 are both also allowable as being dependent upon an allowable base claim.

The independent Claim 20 is directed to a labeled storage apparatus. The labeled storage apparatus of Claim 20 comprises a container, one or more label holders rotatably and detachably coupled to the outer walls and configured to hold a label, and a lid configured to detachably couple with the container. The container comprises integrally formed inner walls and outer walls. As described above, neither Siebe, Wolters nor their combination teach a plastic storage container and a label holder configured to rotatably and detachably couple with the container. In addition, Wolters does not teach a lid comprising a tab to facilitate in the removal of the lid. The flange in Wolters cannot be considered a lid comprising a tab to facilitate in the removal of the lid as the flange is coupled to the container, not the lid. Moreover, the flange in no way affects the attachment or removal of the lid. As shown in Figures 6 and 7 of Wolters, the flange merely acts as a base for the lid to sit so that the lid does not fall into the tote. The flange in no way facilitates the removal of the lid from the container. For at least these reasons, the independent Claim 20 is allowable over the teachings of Siebe, Wolters and their combination.

Claims 21-31 are all dependent upon the independent Claim 20. As discussed above, the independent Claim 20 is allowable over the teachings of Siebe, Wolters and their combination. Accordingly, Claims 21-31 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claim 12 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Siebe in view of Hartman.

Claim 12 is dependent upon the independent Claim 10. As discussed above, the independent Claim 10 is allowable over the teachings of Siebe. Accordingly, Claim 12 is also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claim 19 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman in view of Siebe.

Claim 19 is dependent upon the independent Claim 17. As discussed above, the independent Claim 17 is allowable over the teachings of Siebe. Accordingly, Claim 19 is also allowable as being dependent upon an allowable base claim.

Objections

Within the Office Action, Claims 37 and 43 have been objected to as being dependent upon a rejected base claim. It is stated within the Office Action that Claims 37 and 43 would be allowable if the claims were rewritten in independent form including all of the limitations of the base claim and any intervening claims. By the above amendment, Claim 36 has been amended to

include the limitations of Claim 37. Accordingly, the independent Claim 36 is now in a condition for allowance.

Claims 43 is dependent upon the independent Claim 36. As discussed above, the independent Claim 36 is allowable. Accordingly, Claim 43 is also allowable as being dependent upon an allowable base claim.

For the reasons given above, Applicant respectfully submits that the Claims 1-43 are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: March 11, 2005

By: Jonathan O. Owens
Jonathan O. Owens
Reg. No.: 37,902
Attorney for Applicant

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 3/11/05 By: [Signature]